

Notice of Allowability

Application No.

10/717,326

Examiner

James P. Hughes

Applicant(s)

STONE, THOMAS W.

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed on June 13, 2006.
2. ☒ The allowed claim(s) is/are 1 and 3-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

1. The amended claims received on April 13, 2007 have been entered into the case.

Response to Arguments

2. Applicant's arguments, see pages 3-24 of the appeal brief filed on June 13, 2006, with respect to the rejections of claim 1 and 3-21 have been fully considered and are persuasive. The rejections of the claims have been withdrawn. Applicants extensive arguments and supporting documentation is persuasive that:

There is no motivation, suggestion or teaching (hereinafter referred to as motivation), either in the references themselves, in the knowledge of one of ordinary skill in the art, or, in the problem being solved, of the desirability to replacing the optical elements used by Bouevitch with a holographic mirror with reflection properties different from a conventional mirror; wherein, in reflecting the distinct chromatic components, a direction of propagation of the distinct chromatic components is altered by means of diffraction by the holographic mirror', whereby, in reflecting the distinct chromatic components by means of diffraction, an angle of incidence does not equal an angle between a direction of propagation of the reflected distinct chromatic components and a normal to a surface of the holographic mirror, the reflected distinct chromatic components emanating from the surface.

Furthermore, replacing the optical elements used by Bouevitch with a holographic mirror with reflection properties different from a conventional mirror as defined in the independent claims; wherein, in reflecting the distinct chromatic components, a direction of propagation of the distinct chromatic components is altered by means of diffraction by the holographic mirror; whereby, in reflecting the distinct chromatic components by means of diffraction, an angle of incidence does not equal an angle between a direction of propagation of the reflected distinct chromatic components and a normal to a surface of the holographic mirror, the reflected distinct chromatic components emanating from the surface, renders Bouevitch unsatisfactory for its intended purpose. (See page 13)

Allowable Subject Matter

3. Claims 1 and 3-21 are allowed. The following is an examiner's statement of reasons for allowance. The prior art of record fails to teach or fairly suggest a system or method for compensating for the chromatic dispersion in optical systems, comprising: reflecting said distinct chromatic components, a direction of propagation of said distinct chromatic components is altered by means of diffraction by said holographic mirror; in reflecting said distinct chromatic components by means of diffraction, an angle of incidence does not equal an angle between a direction of propagation of said reflected distinct chromatic components and a normal to a surface of said holographic mirror at substantially a location of incidence, said reflecting distinct chromatic components emanating from said surface; in combination with the other limitation in the claims. Claims 3-7 and 15-17 are allowed by virtue of their dependence on claims 1 and 14, respectively. Claims 9-13 and 18-21 are allowed by virtue of their dependence on claim 8.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

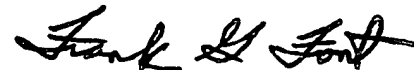
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James P. Hughes whose telephone number is 571-272-2474. The examiner can normally be reached on Monday - Friday 9am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James P. Hughes
Patent Examiner
Art Unit 2883



Frank G. Font
Supervisory Patent Examiner
Technology Center 2800